IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Bail Appl..No. 7304 of 2007()

CRIME NO. 37/07 OF RANNI EXCISE RANGE

PETITIONER/ACCUSED:

MURALEEDHARAN, S/O. NARAYANAN,
AGED 56 YEARS, EROLITHADATHIL HOUSE, THULAPPALLY,
NARANAMTHODE, KOLLAMULA VILLAGE, RANNY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ABRAHAM SAMSON

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,EXCISE RANGE
RANNI THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7304 of 2007

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Dated this the 29th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered under the provisions of the Kerala Abkari Act. He was allegedly found to be in possession of 1.5 litres of arrack and 400 litres of wash on 3.8.2007. Crime has been registered. Investigation is in progress. The petitioner has not been arrested so far. He apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He may be granted anticipatory bail. He is willing to surrender before the learned Magistrate and seek regular bail. Expeditious disposal of the application may be directed, prays the learned counsel.

3. The learned Prosecutor opposes the application. He submits that the petitioner may be directed to surrender before the Investigating Officer or the learned Magistrate and then seek regular bail.

4. I find merit in the opposition by the learned Prosecutor. I am unable to find any features in this case, which would justify the invocation of the extra ordinary equitable discretion under section 438 Cr.P.C. in favour of the petitioner. This I am satisfied is a fit case where the petitioner must be directed to appear before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. This application is accordingly dismissed. I may however hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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